

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

United States of America

v.

Ferrell Benjamin Gibbs,

Defendant.

C/A No. 6:03-cr-0609-GRA

ORDER
(Written Opinion)

This matter is before this Court for a ruling on Defendant' s " Motion to Reverse Judgment For Lack of Subject Matter Jurisdiction."


On December 2, 2003, after a jury trial, Defendant was convicted of violating 18 U.S.C. § 1003 and 18 U.S.C. § 1341. On April 30, 2004, this Court sentenced the Defendant to a term of imprisonment for 78 months. This Court further advised the Defendant of his right to appeal the sentence, and the Defendant exercised that right by filing a Notice of Appeal on May 3, 2004. As such, this court no longer has jurisdiction over any facet of the Defendant' s case. Griggs v. Provident Consumer Disc. Co., 459 U.S. 56, 58 (1982) (" [t]he filing of a notice of appeal is an event of jurisdictional significance--it confers jurisdiction on the court of appeals and divests the district court of its control over those aspects of the case involved in the appeal").

This Court takes judicial notice that on June 3, 2005, the United States Court

of Appeals for the Fourth Circuit affirmed the Defendant' s convictions.¹ *United States v. Gibbs*, 04-4322 (2005).

IT IS THEREFORE ORDERED that this Court lacks jurisdiction to rule on Defendant' s Motion to Reverse Judgment For Lack of Subject Matter Jurisdiction.

IT IS SO ORDERED.



G. ROSS ANDERSON, JR.
UNITED STATES DISTRICT JUDGE

Anderson, South Carolina

June 28, 2005.

NOTICE OF RIGHT TO APPEAL

Plaintiff is hereby notified that he has the right to appeal this Order within sixty (60) days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure. Failure to meet this deadline, as modified within Rule 4, will waive the right to appeal.

¹ Additionally, citing *United States v. Booker*, 125 S. Ct. 738 (2005), the Fourth Circuit remanded Defendant for resentencing.